

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY D. McCLURE,

Plaintiff,

No. 11-CV-12035-DT

vs.

Hon. Gerald E. Rosen

CITY OF DETROIT, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION FOR DISMISSAL OF PLAINTIFF'S COMPLAINT  
AND ORDER GRANTING PLAINTIFF'S COUNSEL'S MOTION TO WITHDRAW

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on January 15, 2015

PRESENT: Honorable Gerald E. Rosen  
United States District Chief Judge

This Section 1983 prisoner civil rights matter having come before the Court on the December 3, 2014 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court grant the Defendants' Motion for Summary Judgment; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and after filing Plaintiff's objections, Plaintiff's *pro bono* appointed counsel, Brett Asher of Kerr, Russell and Weber PLC, with the concurrence of his client, having moved to withdraw as counsel in this matter; the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, Kerr, Russell and Weber's Motion to Withdraw, and the Court's entire file of this action, and having concluded

that, for the reasons stated in the Report and Recommendation, Defendants' motion for summary judgment should be granted and this case should, accordingly, be dismissed in its entirety, with prejudice; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of December 3, 2014 [**Dkt. # 42**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [**Dkt. # 26**] be, and hereby is, GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED in its entirety, with prejudice.

IT IS FURTHER ORDERED that, based on the reasons set forth in the Magistrate Judge's December 3, 2014 Report and Recommendation, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

IT IS FURTHER ORDERED that Kerr, Russell and Weber PLC's Motion to Withdraw as Counsel for Plaintiff [**Dkt. # 44**] is GRANTED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: January 15, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 15, 2015, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5135